

# Exhibit 72

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF RHODE ISLAND**

STATE OF NEW YORK, et al.

Plaintiffs,

v.

ROBERT F. KENNEDY, JR., in his official capacity as  
SECRETARY OF THE U.S. DEPARTMENT OF  
HEALTH AND HUMAN SERVICES, et al.,

Defendants.

Case No. 1:25-cv-00196

**DECLARATION OF JANE DOE 6**

I, Jane Doe, declare under the penalty of perjury pursuant to 28 U.S.C. § 1746 that the foregoing is true and correct:

1. Until January 2025, I was employed by the Division of Data and Technical Analysis (DTA), part of the Office of Human Services Policy within the Office of the Assistant Secretary for Planning and Evaluation (ASPE). I have personal knowledge of the facts set forth in this declaration, and if required to testify, would and could competently do so.

2. I am submitting this declaration pseudonymously because I fear retaliation. But if the Court would like to know my name or job position, I would be willing to provide it ex parte and under seal. I submit this Declaration in support of the States' Motion for a Preliminary Injunction.

**Professional Background**

3. I have worked in public health/human services for twenty-five years, including over a decade of full-time employment at ASPE.

4. I am providing this declaration to explain the operations of ASPE with respect to the calculation of the Federal Poverty Guidelines (“Guidelines”) and the impact of the recent impacts of the reductions in force (RIFs) of April 1, 2025.

5. ASPE is responsible for calculating the Federal Poverty Guidelines each year, consistent with the statutory mandate that HHS perform this calculation. I have personal knowledge that ASPE has performed the Guidelines calculation each year in the same manner for at least a dozen years, and I understand from my colleagues that the calculation has been performed in this manner for at least forty years.

6. To calculate the Guidelines, staff from DTA, who are trained economists or social science analysts, perform calculations using data from the Census Bureau and the Bureau of Labor Statistics.

7. Accurate calculation of the Guidelines is so critical that there are redundancies built into the system. Each year, DTA staff perform four independent calculations of the Guidelines; all four calculations must match exactly before the Guidelines can be finalized. Further, the Guidelines must go through three additional levels of review and approval once finalized by DTA staff.

8. DTA staff perform additional work and calculations related to the Guidelines. Some examples of that additional work include an Application Programming Interface (API) and charts showing various percentages of the Guidelines. The API permits computer systems, such as those used by health insurers and hospitals, to retrieve the Guidelines levels without the risk of human error. The API and additional calculations are critical to reducing errors in the use of the Guidelines that may be introduced by human error, incorrect calculations by users, or other errors. Any errors in the calculation of Guidelines or percentages of the Guidelines can result in

people applying to a specific benefit being rendered ineligible, despite them being eligible had the Guideline percentage been calculated correctly.

9. It is my understanding based on regular conversations with my former colleagues that on April 1, 2025, all DTA staff whose job responsibilities included calculating the Guidelines received a RIF (except one staff member who had already opted for early retirement) and were placed on administrative leave until their expected termination on June 2, such that there is no longer any staff person working at ASPE who has experience in calculating the Guidelines.

10. Without any staff who are trained on the Guidelines employed at ASPE, there is a substantial risk that there will be errors or delay in the calculation of the next Guidelines. That would have far-reaching negative consequences, as the Guidelines are relied upon a daily basis by many state and federal programs affecting millions of people.

/s/ Jane Doe  
Jane Doe

Date: May 18, 2025